

By Senator Klein

28-1308-00

See HB 367

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A bill to be entitled  
An act relating to water and wastewater  
systems; amending s. 350.0611, F.S.; requiring  
the Public Counsel to provide legal  
representation in proceedings before counties  
under certain circumstances; amending s.  
367.0816, F.S.; requiring rate reductions at  
the conclusion of a rate case expense recovery  
period; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 350.0611, Florida Statutes, is  
amended to read:

350.0611 Public Counsel; duties and powers.--It shall  
be the duty of the Public Counsel to provide legal  
representation for the people of the state in proceedings  
before the commission and in proceedings before counties  
pursuant to s. 367.171(8). The Public Counsel shall have such  
powers as are necessary to carry out the duties of his or her  
office, including, but not limited to, the following specific  
powers:

(1) To recommend to the commission, by petition, the  
commencement of any proceeding or action or to appear, in the  
name of the state or its citizens, in any proceeding or action  
before the commission and urge therein any position which he  
or she deems to be in the public interest, whether consistent  
or inconsistent with positions previously adopted by the  
commission, and utilize therein all forms of discovery  
available to attorneys in civil actions generally, subject to

1 protective orders of the commission which shall be reviewable  
2 by summary procedure in the circuit courts of this state.†

3 (2) To have access to and use of all files, records,  
4 and data of the commission available to any other attorney  
5 representing parties in a proceeding before the commission.†

6 (3) In any proceeding in which he or she has  
7 participated as a party, to seek review of any determination,  
8 finding, or order of the commission, or of any hearing  
9 examiner designated by the commission, in the name of the  
10 state or its citizens.†

11 (4) To prepare and issue reports, recommendations, and  
12 proposed orders to the commission, the Governor, and the  
13 Legislature on any matter or subject within the jurisdiction  
14 of the commission, and to make such recommendations as he or  
15 she deems appropriate for legislation relative to commission  
16 procedures, rules, jurisdiction, personnel, and functions.†

17 (5) To appear before other state agencies, federal  
18 agencies, and state and federal courts in connection with  
19 matters under the jurisdiction of the commission, in the name  
20 of the state or its citizens.

21 Section 2. Section 367.0816, Florida Statutes, is  
22 amended to read:

23 367.0816 Recovery of rate case expenses.--The amount  
24 of rate case expense determined by the commission pursuant to  
25 the provisions of this chapter to be recovered through a  
26 public utilities rate shall be apportioned for recovery over a  
27 period of 4 years. At the conclusion of the recovery period,  
28 the rate of the public utility shall be reduced immediately by  
29 the amount of rate case expense previously included in rates.

30 Section 3. This act shall take effect upon becoming a  
31 law.

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HOUSE SUMMARY

Requires the Public Counsel to provide legal representation in proceedings before counties pursuant to s. 367.171(8), F.S., relating to county regulation of utility rates. Requires rate reductions at the conclusion of the 4-year rate case expense recovery period.